IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 12163 of 2004

Between:

Sadanala Prasad Rao, S/o. Tirupathaiah, aged 48 years,

Lorry owner, R/o. Gollapalli Village, Vijayawada Rural Mandal,

Krishna District.

..... PETITIONER

AND

1. The Divisional Forest Officer, Nellore.
2. The Forest Range Officer, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, Writ or direction more particularly a Writ of Mandamus under Article 226 of Constitution of India, declaring 1st respondent in not considering the application dated 24-03-2004 filed by the petitioner for release of the lorry bearing No. AEH 6388 under Section 44(3) of A.P. Forest Act, 1951 despite the directions granted by the Honourable Court in W.P. No. 6331 of 2004 and further action of the 1st respondent in ordering confiscation of lorry bearing No. AEH 6388 in proceedings DOR 50/2003 -04 Nellore Division, dated 10-06-2004 without issuing a notice enumerating the grounds on which it is proposed to confiscate the lorry and

affording of making a representation by holding an enquiry as prescribed under law as illegal, arbitrary, unjust, violative of Principles of Natural Justice and also provisions of A.P. Forest Act, 1951 and set aside the said orders.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos.1 & 2 : GP FOR FORESTS

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 12163 of 2004

ORDER:

The petitioner without availing the remedy of statutory appeal, approached this Court through this writ petition, therefore, it cannot be maintained. The petitioner is at liberty to approach the concerned authority through a statutory appeal and agitate about his rights according to Law. The time taken for filing the writ petition shall be excluded from the period for filing the statutory appeal.

2. The Writ Petition is accordingly dismissed. No costs.

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Dr.G.YETHIRAJULU, J

Date: 30th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Divisional Forest Officer, Nellore.

2.The Forest Range Officer, Nellore.

3.Two C.Cs. to the Government Pleader for Forests, High Court

Buildings, Hyderabad. (O.U.T.)

4.Two C.D. copies.